

Conservation Planning Requirements for HEL Land

Cropland

Soil loss less than or equal to soil loss tolerance

No visible ephemeral, gully, or streambank /shoreline erosion

Nutrient Management (Standard 590) and Pest Management (Standard 595) required

Seasonal Residue Management (344) or Cover Crop (340) required

Conservation Cropping Rotation (328) required, only if essential to addressing soil erosion, water conservation, or pest management resource concerns

Pastureland

Soil loss less than or equal to soil loss tolerance

No visible ephemeral, gully, or streambank/shoreline erosion

Nutrient Management (Standard 590) and Pest Management (Standard 595) required (only if pesticides are applied)

Livestock water facilities required, only if needed to eliminate streambank / shoreline erosion or if no shade for livestock is available away from the waterbody.

Grasses / legumes may not be grazed less than the minimal stop-grazing height as defined in the FOTG Standard Prescribed Grazing (528A).

Hayland

Soil loss less than or equal to soil loss tolerance

No visible ephemeral, gully, or streambank /shoreline erosion

Nutrient Management (Standard 590) and Pest Management (Standard 595) required (only if pesticides are applied)

Forage Harvest Management (511) required

Forestland

Soil loss less than or equal to soil loss tolerance

No visible ephemeral, gully, or streambank /shoreline erosion

Nutrient Management (Standard 590) and Pest Management (Standard 595) required (only if nutrients and pesticides are applied)

Forest Stand Improvement (666) required only if the stand is managed for timber production

Wildlife Land

Soil loss less than or equal to soil loss tolerance

No visible ephemeral, gully, or streambank /shoreline erosion

Nutrient Management (Standard 590) and Pest Management (Standard 595) required (only if nutrients and pesticides are applied)

At least one RMS wildlife practice, per Section 3 of the NRCS FOTG.

Other Land Uses

All land will be treated such that sheet and rill erosion rates are at or below soil loss tolerance. All other visible erosion will be eliminated. Sufficient practices will be applied to sustain the land use and avoid detrimental sedimentation and water quality effects.

Animal operations, whether they exceed the state regulatory thresholds or not, should follow the applicable NRCS standard for operation and maintenance [Waste Storage Facility (313), Waste Treatment Lagoon (359), Waste Utilization (633)].

On all land uses, emphasis should be given to establishing buffers along riparian areas.

**Natural Resources Conservation Service's
Proposed Conservation Easement Language
As It Relates to the Conservation Plan**

The Grantor, his heirs, successors and assigns, must conduct all agricultural operations on the Property in a manner consistent with NRCS' highly erodible land (HEL) technical standards in effect at the time of easement deed signature. Landowners will not be required to meet subsequent technical standards resulting from regulatory changes to 7 CFR part 12 that are not expressly required by an Act of Congress. The paragraphs below will be inserted into all FPP easements. Violators of HEL/WC provisions will be granted appeal rights in accordance with 7 CFR Part 614 and all additional rights afforded by 7 CFR part 12. Standards may change and the FRPP participant will be subject to these changing standards only if Congress mandates such changes.

NRCS recognizes that many cooperating entities may require a higher level of planning with stricter implementation guidelines. As a result, NRCS requests that where this occurs, NRCS State Office Staff contact the NRCS National Office and Office of General Counsel to draft language that meets both NRCS' needs and the needs of the cooperating entity.

Replace the existing conservation plan paragraphs and insert the following paragraphs into 2002 and future FRPP easements:

As required by section 1238I of the Food Security Act of 1985, as amended, the Grantor, his heirs, successors, or assigns, shall conduct all agricultural operations on the Protected Property in a manner consistent with a conservation plan prepared in consultation with NRCS and approved by the Conservation District. This conservation plan shall be developed using the standards and specifications of the NRCS Field Office Technical Guide and 7 CFR Part 12 that are in effect on (INSERT EASEMENT SIGNATURE DATE). However, the Grantor may develop and implement a conservation plan that proposes a higher level of conservation and is consistent with the NRCS Field Office Technical Guide standards and specifications. NRCS shall have the right to enter upon the Property, with advance notice to the Grantor, in order to monitor compliance with the conservation plan.

In the event of noncompliance with the conservation plan, NRCS shall work with the Grantor to explore methods of compliance and give the Grantor a reasonable amount of time, not to exceed twelve months, to take corrective action. If the Grantor does not comply with the conservation plan, NRCS will inform Grantee of the Grantor's noncompliance. The Grantee shall take all reasonable steps (including efforts at securing voluntary compliance and, if necessary, appropriate legal action) to secure compliance with the conservation plan following written notification from NRCS that (a) there is a substantial, ongoing event or circumstance of non-compliance with the conservation plan, (b) NRCS has worked with the Grantor to correct such noncompliance, and (c) Grantor has exhausted its appeal rights under applicable NRCS regulations.

If the NRCS standards and specifications for highly erodible land are revised after the date of this Grant based on an Act of Congress, NRCS will work cooperatively with the Grantor to develop and implement a revised conservation plan. The provisions of this section apply to the highly erodible land conservation requirements of the Farmland Protection Program and are not intended to affect any other natural resources conservation requirements to which the Grantor may be or become subject.